

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New MexicoUnited States of America
v.Charley Joe Jr.
Defendant(s)Case No. 16-MJ3510 SEP 17 2016**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO**MATTHEW J. DYKMAN**
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/15/2016 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|----------------------|------------------------------------|
| Title 18 U.S.C. 1153 | Crimes occurring in Indian Country |
| Title 18 U.S.C. 1111 | Murder |

This criminal complaint is based on these facts:
See attached affidavit.☒ Continued on the attached sheet.

Complainant's signature

W. Monty Waldron, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

9-17-16City and state: Farmington, New Mexico

Judge's signature

B. Paul Briones, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

AFFIDAVIT

I, the undersigned, being duly sworn, depose, and state as follows:

I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been employed as such since 2007. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have primary investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault.

The information set forth in this affidavit has been derived from an investigation conducted by Special Agents of the FBI, Criminal Investigators (CI) of the Navajo Department of Criminal Investigations (NDCI), and/or communicated to me by other law enforcement officers as well as witnesses. The following information does not contain all items known to me but rather is used to establish sufficient probable cause for the crime of murder that occurred in the special jurisdiction of Indian Country.

1. On the morning of September 16, 2016, CI Louis St. Germaine, NDCI Shiprock, notified the FBI of a deceased male who was found earlier that morning with apparent axe wounds to his body. The decedent was found inside his home located approximately 300 yards west of Navajo Route 364 and 50 yards south on 5th Lane in Shiprock, New Mexico, within the exterior boundaries of the Navajo Nation Indian Reservation, which is Indian Country within the District of New Mexico. The decedent, who was subsequently identified and will hereinafter be referred to as John Doe, was an enrolled member of the

Navajo Nation Indian Tribe. John Doe's home was further described as a gray, stucco, rectangular-shaped, single-family dwelling with a gray, metal roof. Several out-buildings surround John Doe's home, including a brown hogan, shed, and outhouse.

2. According to witnesses, John Doe was last seen approximately three days ago. On the morning of September 16, 2016, a relative of John Doe's went to his house to borrow some flour. John Doe's relative observed John Doe lying motionless just inside the front door and contacted Navajo Nation Police.

3. Responding law enforcement officers looked through the front screen door and observed John Doe's body as they looked through the screen door as well as an axe leaning against the wall near the front door. The axe appeared to have a red substance similar to blood on it. Red substances similar in appearance to blood was also observed by Navajo Police near the back of the residence and leading toward the front door. Multiple wounds were also observed on John Doe's body.

4. On September 16, 2016, Special Agents of the FBI applied for and were granted a search warrant which provided authority to enter the residence of John Doe to search for evidence of a crime. The search warrant was signed by United States Magistrate Judge, the Honorable Paul Briones. Upon obtaining a signed search warrant, the search of the residence of John Doe and the other buildings located on the property was executed by members of the FBI and Navajo Nation Department of Criminal Investigations. Upon entering the front door of the residence, your affiant observed the John Doe laying deceased on his back. There was a large amount of dried blood on, under and around John Doe. Your affiant also observed a large axe propped against the wall just to the right of the front entrance of the residence. The axe was covered with a significant

amount of a dried brownish-red substance that appeared to consist of dried blood. John Doe had several wounds on his body to include wounds to his head, left arm, upper chest, abdomen and lower back. The wounds appeared to be consistent to the type of wound that would be caused by the axe that was located within the residence. There was a large, wide trail of what appeared to be dried blood that led from the body of John Doe back to the kitchen.

5. Investigation conducted by Law Enforcement Officers on September 16, 2016 revealed that John Doe was the primary resident of the above captioned house and that his older brother Charley Joe Jr., hereinafter referred to as Joe, lives in the hogan that is located directly adjacent to the residence. During the search of Joe's hogan, several items such as United States mail and identification cards bore the name "Charley Joe Jr." A search of a desk that is located inside the hogan revealed a handwritten note in red ink that stated "Fuck Off, he's dead; in Farmington; I said please, but, so fuck know some one." This handwritten note was written on the back of a piece of legal paperwork from the Navajo Nation Judicial District of Shiprock, New Mexico and was an "Order Continuing Defendant's Release on Personal Recognizance and Notice of Rescheduled Arraignment." The captioned document was dated August 29, 2016.

6. On the evening of September 16, 2016, Navajo CI St. Germaine and your affiant located Joe at the Navajo Nation, Shiprock Chapter house that is located in Shiprock, New Mexico. At the time Joe was located, a meeting was being held by family members of John Doe to discuss funeral arrangements. When contact was made with Joe, your affiant observed dark brownish-red colored stains on Joe's blue jeans and tan shoes. Your affiant observed that Joe appeared to have a "black eye" in the form of dark colored

bruising under his right eye. Joe appeared to be intoxicated and advised that he had drank two pints of vodka that day. Joe was subsequently taken by Navajo Police to the Navajo Nation, Shiprock District jail due to his public intoxication.

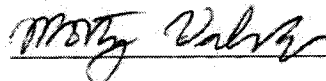
7. On the morning of September 17, 2016, Navajo Criminal Investigator St. Germaine transported Joe from the Shiprock Jail to the office of the Navajo Nation Department of Criminal Investigations that is located in Shiprock, New Mexico. Joe was then interviewed by CI St. Germaine and your affiant where he agreed to speak to investigators after being advised of his Miranda rights. During the interview Joe reported that on Thursday, September 15, 2016, he was at home with his brother at their shared Shiprock, New Mexico property. Joe reported that sometime around 12:00 PM, he was sitting on the couch in the residence of John Doe. John Doe and Joe proceeded to get into an argument. Joe reported that John Doe said hurtful things to him. John Doe told Joe that he wanted him to leave the property and to never come back. Joe explained that the property belongs to the family and he has a right to live there. While Joe was sitting on the couch, John Doe approached him and punched him several times in the face. Joe reported that his lip was cut and his nose began to bleed as a result of John Doe's blows. Joe got up from the couch pushed John Doe back into the kitchen and struck John Doe with his hands. Joe reported that he was angry and then used an axe to strike John Doe. Joe believed that he struck John Doe in the head with the axe. After striking John Doe with the axe, John Doe began to bleed a lot. The amount of blood coming from John Doe scared Joe. After striking John Doe with the axe in the kitchen area, Joe backed away and exited out of the front door of the residence and left the property. Joe then got a ride from someone he knows and was able to make his way to Shiprock, New Mexico.

8. On September 16, 2016, your affiant confirmed that John Doe is a registered member of the Navajo Nation Indian Reservation.

9. On September 17, 2016, your affiant confirmed that Joe is a registered member of the Navajo Nation Indian Reservation.

10. The location where the captioned murder occurred is in the vicinity of GPS Coordinates N36°49.334' W108°43.545', and is within the exterior boundaries of the Navajo Nation Indian Reservation.

11. Based on the aforementioned facts, your affiant respectfully submits, that probable cause exists to establish that Charley Joe Jr who is an enrolled member of the Navajo Nation Indian Tribe, and with a year of birth of 1948, did murder John Doe by striking John Doe multiple times with an axe in violation of Title 18 U.S.C. 1111, Murder, and that the above occurred within the boundaries of the Navajo Nation Indian Reservation, in violation of Title 18 U.S.C. 1153, Crime occurring in Indian Country. I swear this information to be true and correct to the best of my knowledge and belief.



W. Monty Waldron, Special Agent
Federal Bureau of Investigation
Farmington Resident Agency
Farmington, New Mexico

Subscribed and sworn before me this 17th day of September 2016.



U.S. Magistrate Judge

